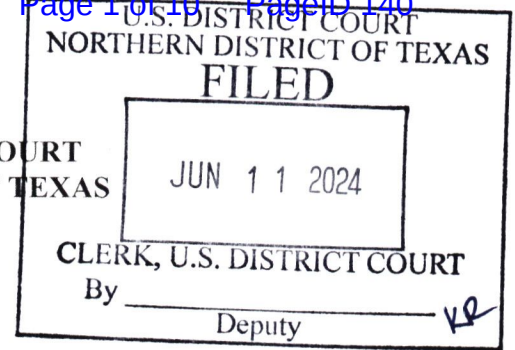


PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 12/2023)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Northern DISTRICT OF TEXAS  
Dallas DIVISION



Douglas Lincoln, Jr. #02444267  
Plaintiff's Name and ID Number

Dominguez State Jail - TDCJ  
Place of Confinement

CASE NO. 3:22-cv-01955-L-BN  
(Clerk will assign the number)

v.

Ellis County Texas, 109 S. Jackson St. Waxahachie, TX 75165  
Defendant's Name and Address

(USHPT) United States Homeland Prisoner Transport, LLC.  
Defendant's Name and Address  
2430 U.S. Hwy 27 Clermont, FL 34714

Defendant's Name and Address  
(DO NOT USE "ET AL.")

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**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

### FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$55.00 for a total fee of **\$405.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$55.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

### CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

#### I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? \_\_\_ YES ☒ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: Related Case No. 3:22-cv-01591-L-BT
2. Parties to previous lawsuit:  
Plaintiff(s) \_\_\_\_\_  
Defendant(s) \_\_\_\_\_
3. Court: (If federal, name the district; if state, name the county.) \_\_\_\_\_
4. Cause number: \_\_\_\_\_
5. Name of judge to whom case was assigned: \_\_\_\_\_
6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_
7. Approximate date of disposition: \_\_\_\_\_



- II. PLACE OF PRESENT CONFINEMENT: Dominguez State Jail  
6535 Cagnon Rd. San Antonio, TX 78252
- III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

Please Refer to listed Related Case No.

IV. PARTIES TO THIS SUIT:

- A. Name and address of plaintiff: C3-33  
Douglas Lincoln, Jr. # 02444267  
Dominguez State Jail 6535 Cagnon Rd.  
San Antonio, TX 78252

- B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Ellis County Texas

County Gov Offices, 109 S. Jackson St. Waxahachie, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. 75/65

Created policy or custom, constructive knowledge, Deliberate  
Indifference to a Federally protected Right. Moving force was the policy.

Defendant #2: (USHPT) United States Homeland Prisoner Transport, LLC.  
2430 U.S. Hwy 27 Clermont, FL. 34714 (USDOT #3921276)

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Cruel and Unusual Punishment, Assault, Torture, Life  
Mental Injury, endangerment. Injury was physical to Body. (Ankles)

Defendant #3: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT. (PLEASE SEE ATTACHMENTS)

- (1.) Ellis County Texas Created a policy or custom or had constructive knowledge, and that policy was the county's Prisoner Extradition Policy, and that policy through deliberate Indifference violated my federally protected right to be free from Cruel and Unusual Punishment, Assault, and torture and Life Endangerment. The policy caused me to sustain physical and mental injuries. (2) USHPT violated Several Constitutional rights to which caused me mental and physical Injury. Namely Cruel and unusual punishment, torture, Assault and life endangerment. (PLEASE SEE ATTACHMENTS)
- VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

The Plaintiff seeks Monetary Relief from each Defendant in the amount of \$100,000 plus court and Attorney Fees. the plaintiff seeks punitive Relief of \$50,000 for each Defendant.

VII. GENERAL BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Doug Lincoln, Douglas Lincoln, Douglas Lee Lincoln, Jr.

- B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

TDCJ # 02444267

VIII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

- B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☐ NO



- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES ☒ NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_
  2. Case number: \_\_\_\_\_
  3. Approximate date warning was issued: \_\_\_\_\_

Executed on: \_\_\_\_\_  
DATE

\_\_\_\_\_  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 3rd day of June, 20 24.  
(Day) (month) (year)

Douglas Lincoln, Jr.  
Douglas Lincoln, Jr.  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**



## Attachment: Statement of Claim (Ellis Co.)

(continued from form)

The Plaintiff wishes to plausibly allege  
Municipal Liability under (Monell).

- 1.) Ellis County Texas in or about the month of May or June, 2022 executed a policy of Prisoner Extradition, a policy created by the county, implemented, and carried out by Ellis County upon the Plaintiff Douglas Lincoln, Jr. and That policy carried out by Ellis County was to obtain and hire a private Transport (prisoner) company namely (USHTPT) located in Clermont, FL to secure and transport the Plaintiff from Chicago, IL to Ellis County Texas (Waxahachie, TX) rather than utilizing and employing their own officers to carry out the transport, even though the county has trained transport officers employed by the County. Through Deliberate Indifference by Ellis County and their policy and/or Customs of using a private Transport Company of whom was not qualified to operate in Interstate Transport of passengers directly caused a violation and injury of the Plaintiff's Federally Protected Right to be free from Cruel and Unusual Punishment, Assault, Torture, and life endangerment of the Plaintiff. Per the FMCSA and by the Declaration of USHTPT, the Company was only authorized to transport passengers in Intrastate Commerce namely within the State of Florida only. Ellis County Texas customs and policies directly caused the Plaintiff to sustain physical injury to his ankles. The plaintiff sustains mental injury through torture, (Heat Related) and assault through restraints being improperly used, and life endangerment as outlined within the claims listed in the claims paragraphs against USHTPT in the "continued claims" attachment of the Document. Absent the policy or customs held by Ellis County, the Plaintiff may have been secured his Constitutional Rights by being transported by the County's own trained officers or a qualified Private Transport.



## Attachment: Statement of Claim (USHPT)

(continued from form)

- 1.) The Plaintiff wishes to Plausibly Allege Civil Liability. The Plaintiff on or about May or June, 2022 was transported By USHPT from Chicago, IL (Cooke County) To Waxahachie, TX (Ellis County). The Plaintiff Douglas Lincoln, Jr was secured continuously without relief on a transport vehicle owned and operated by USHPT for a period of Seven (7) Continuous days. The private Transport Company USHPT was secured and employed by Ellis County Texas. It is Ellis County's Extradition Policy to employ a private transport company for the purposes of this extradition. The Plaintiff Douglas Lincoln, Jr. a prisoner, Sustained several injuries during his transport to wit physical Injury to his ankles, cuts and infections of the skin with extensive scarring. Tortured treatment and mental anguish through heat subjection for the entire trip of 7 days because the vehicles AC did not work and they (USHPT) did not repair it even though temp. exceeded over 110° within the vehicle. The Plaintiff was assaulted ~~the~~ <sup>by</sup> through the misuse of his restraints resulting in physical injury. The Plaintiff's life and well being were constantly placed in jeopardy by USHPT because they (USHPT) were not qualified to transport passengers in Interstate Commerce. (USDOT #3921276) (Intrastate Only) <sup>§ 301</sup> the Plaintiff wishes to list and allege direct violation of the following Federal Motor Carrier Safety Administration Code of Federal Regulations and/or USDOT Rules ~~that~~ <sup>by</sup> By USHPT that directly placed his life in danger for the 7 Days he was transported. To refrain from extensive elaborations until such a time as required, the following alleged violations have been listed by their codes.



Attachment: Statement of Claim <sup>USHPT</sup>~~(Ethi Co.)~~ <sup>PL</sup>  
(continued from form)

Plaintiffs alleged violations of (USHPT)

"Hutto v. Finney (T)

1. Cruel and Unusual Punishment (8th Amend)
2. Assault 22.02 (a) TPL
3. Torture
4. Life Endangerment
5. Violation of the United States Transportation codes and the Code of Federal Regulations causing direct injury to the Plaintiff.

(as follows.)

for (USDOT # 3921276 (USHPT)

1. 28 CFR 97.13
2. 49 CFR 395.3
3. 49 CFR 31305
4. 49 CFR 382.105
5. 49 CFR 395 2,3,4
6. Omnibus Transportation Employment Testing Act of 1991
7. TCCP Art. 51.13

The Plaintiff wishes to retain all claims and allegations previously listed in this case against the Defendant USHPT and would be prepared to show this court proof of the Plaintiff's claims through evidence and exhibits at a later date.

The plaintiff wishes to incorporate any new claims or material stated and listed in these new documents (Amendments) into the claims section of the suit. The Plaintiff prays the court will accept the amendments.

Douglas Lincoln Jr.  
Plaintiff



(4)

Request

Attachment: Claim for Relief (Ellis Co.)  
(continued from form)

1. As for the claim or Request for relief the Plaintiff would ask the court to now assess damages <sup>against</sup> ~~for~~ the Defendant, Ellis County Texas, for their Municipal Liability for the Plaintiffs Constitutional Right of freedom from Cruel and Unusual Punishment, Assault, Torture, and life endangerment and the Plaintiffs physical and mental injuries sustained, as monetary award to the plaintiff in the amount of \$100,000 One Hundred Thousand Dollars.
2. As for the Claim or Request for Relief the plaintiff would now ask the court to impose punitive damages ~~to the~~ <sup>on</sup> ~~plaintiff~~ and award the plaintiff the amount of additional \$50,000 Fifty Thousand Dollars in this suit.
3. The Plaintiff would now ask the court to impose fees upon the Defendant Ellis County Texas, and require the defendant to pay all incurred court fees, attorney fees, and application fees that have burdened the plaintiff in this suit, in its entirety.

the Plaintiff prays the court will grant such and all relief sought in this suit.


Douglas Lincoln, Jr.  
Douglas Lincoln, Jr.



5  
Attachment: Request Claim for Relief (USHPT)  
(continued from form)

1. As for the claim or Request for relief the plaintiff would ask the court to now assess damages ~~to~~ <sup>against</sup> the Defendant (USHPT) for their Civil Liability for the (plaintiffs) Constitutional Right from freedom from Cruel and unusual punishment, Assault, Torture, and Life Endangerment and the plaintiffs physical and mental injuries sustained, as monetary award to the Plaintiff in the amount of \$100,000 One Hundred Thousand Dollars.
2. As for the Claim or Request for relief the plaintiff would now ask the court to impose punitive damages ~~to the plaintiff~~ <sup>(DL)</sup> and award the plaintiff the amount of additional \$50,000 Fifty Thousand Dollars in this suit.
3. The Plaintiff would now ask the court to impose fees upon the Defendant ~~the~~ <sup>(DL)</sup> ~~to~~ <sup>(DL)</sup> USHPT and require the Defendant to pay all incurred court fees that have burdened the plaintiff in this suit, in its entirety.

The plaintiff prays the court will grant such and all relief sought in this suit.

Dough   
Douglas Lincoln, Jr.